

REMARKS/ARGUMENTS

I. STATUS OF CLAIMS

Claims 20-28 and 48-58 remain in this application. Claims 20-28 and 48-58 have been rejected. Claims 59-110 have been withdrawn. Claims 20, 21, 25, 48, 49, 53, 57, and 58 have been amended.

II. CLAIM REJECTIONS – 35 U.S.C. § 102

The Office Action rejected Claims 20-25 and 48-53 under 35 U.S.C. § 102(e) as being anticipated by Shore et al (6,353,461). The rejection is respectfully traversed.

Claim 20 appears as follows:

20. A process for a digital video recorder, comprising the steps of:  
storing a plurality of multimedia programs in digital form on at least one storage device;  
wherein a user selects previously recorded multimedia program(s) from said at least one storage device;  
simultaneously retrieving for play back a video segment from at least one of said selected previously recorded multimedia program(s) and a video segment from a multimedia program whose storage is in progress using video segment identifying information generated by the digital video recorder for at least one video segment in said at least one of said selected previously recorded multimedia program(s) and video segment identifying information generated by the digital video recorder for at least one video segment in said multimedia program whose storage is in progress to cause delivery of selected video segments to an output subsystem, the digital video recorder automatically generating video segment identifying information for specific video segments in multimedia programs as each multimedia program is being stored on said at least one storage device; and  
wherein said simultaneously retrieving for play back step allows playback rate and direction of each multimedia program to be controlled individually and simultaneously to perform any of: fast forward, rewind, frame step, pause, and play functions.

The Office Action has cited elements of Claim 20 that appear to be from a previous version of Claim 20. In particular, the Office Action states that Claim 20 cites “displaying a list of previously recorded multimedia programs stored on said storage

device to a user”. This limitation no longer appears in Claim 20. The Office Action also states that Claim 20 cites “wherein the user selects previously recorded multimedia programs from said list”. This limitation no longer appears in Claim 20.

The Office Action further states that Claim 20 cites “simultaneously playing back at least one of selected segments of previously recorded multimedia programs and a multimedia program whose storage is in progress”. The actual wording of this limitation was “simultaneously retrieving for play back a video segment from at least one of said selected previously recorded multimedia programs and a video segment from a multimedia program whose storage is in progress using video segment identifying information generated by the digital video recorder for at least one video segment in said at least one of said selected previously recorded multimedia programs and video segment identifying information generated by the digital video recorder for at least one video segment in said multimedia program whose storage is in progress to cause delivery of selected video segments to an output subsystem” which is vastly different than what the Office Action has cited.

Shore’s invention is “for use in motion picture or television production which provide for digital recording and playback of video from multiple cameras with near instantaneous reviewing, editing, cutting, compositing, sequencing and assembling capabilities” (col. 2, lines 8-12). Since the purpose of Shore’s invention is for editing video from cameras in a production environment situation, Shore’s invention deals with true video recording that is meant to record full frames of video at a rate such as 24 frames per second. This is because Shore must duplicate the analog VTR environment of the production studio that it is replacing (col. 4, lines 25-40). This means that Shore does not generate video segment identifying information as cited in Claim 20. Shore receives

a time stamp for each video frame from the camera, via a third-party multi-channel video/audio server (col. 5, lines 20-46), that is in a linear time scale. Each frame is calculated using the 24 frames per second time scale (i.e., 1/24 of a second per frame) or whichever scale Shore can use as cited below. Shore simply finds each video frame's time stamp that is stored within the frame and displays the time code to the user. Shore specifically states in col. 11, lines 35-46:

“Pull-down menus 260 to the right of the channel control bar 215 section in a preferred embodiment allow entry and/or selection of the playback speed to be associated with each respective channel. In accordance with known film industry conventions, the system 65 provides for playback in frames per second (fps) such as would be associated with traditional film media. In this regards, the nominal rate of the preferred embodiment is 24 fps (as seen in FIG. 7); however, differing frame rates may be entered to increase or decrease the playback speed (e.g., 48 fps would result in playback at 1/2 speed and 12 fps would result in playback at two times the normal speed).”

Therefore, Shore does not teach or disclose simultaneously retrieving for playback a video segment from at least one of said selected previously recorded multimedia program(s) and a video segment from a multimedia program whose storage is in progress using video segment identifying information generated by the digital video recorder for at least one video segment in said at least one of said selected previously recorded multimedia program(s) and video segment identifying information generated by the digital video recorder for at least one video segment in said multimedia program whose storage is in progress to cause delivery of selected video segments to an output subsystem, the digital video recorder automatically generating video segment identifying information for specific video segments in multimedia programs as each multimedia program is being stored on said at least one storage device as cited in Claim 20.

Shore therefore does not teach every aspect of the claimed invention either explicitly or impliedly.

Claim 20 is allowable. Independent Claim 48 is similarly allowable. Claims 21-25 and 49-53 are dependent upon Claims 20 and 48, respectively, and are allowable. Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. 102(e).

### III. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 26-28 and 54-58 under 35 U.S.C. § 103(a) as being unpatentable over Shore in view of Browne et al. (WO 92/22983).

The rejection under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments regarding Claims 20 and 48, above.

Applicant would like to comment on the Office Action's statement:

“It would have been obvious to one of ordinary skill in the art to modify Shore with Browne by using the teaching of Browne to providing tuners as alternative to the input device of Shore.”

Applicant respectfully disagrees. It would not have been obvious to one of ordinary skill in the art to modify Shore with Browne as the Office Action suggests. Shore's invention is for a production environment where video tapes are made for broadcasters. Shore's production environment invention is on the other side of the television broadcast spectrum as Browne. There is no practical reason why one would add Browne's tuner to Shore since Shore is a closed set environment where shows are filmed and edited. Shore's invention is in the production space. Browne is on the consumer end of the spectrum where programs are broadcast by a broadcaster and received by Browne's system. Whatever has been produced using Shore's invention has passed through several levels of manipulation by the time it reaches Browne's system.

The addition of tuners to Shore's system is illogical because there is no practical need for a production environment to receive low-quality broadcast video signals when the production environment produces high-quality videos that eventually are reduced to the lower-quality broadcast signals by broadcasters. This would make the quality of the videos from the production environment unusable because of the large amount of signal degradation that would occur at the consumers' end.

Therefore, it would **not** have been obvious to one of ordinary skill in the art to modify Shore with Browne by using the teaching of Browne to providing tuners as alternative to the input device of Shore because there is no logical reason why one would do as the Office Action suggests due to signal quality and video production reasons.

Claims 26-28, 57 and 54-56, 58 are dependent upon independent Claims 20 and 48, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

#### IV. MISCELLANEOUS

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.

The Examiner is invited to telephone the undersigned at (408) 414-1080 ext. 214 to discuss any issue that may advance prosecution.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

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/KirkDWong#43284/

Kirk D. Wong  
Reg. No. 43,284

2055 Gateway Place, Suite 550  
San Jose, California 95110-1089  
Telephone No.: (408) 414-1080, ext. 214  
Facsimile No.: (408) 414-1076